

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CLAUDE GENE LEE, SR.,)
)
Plaintiff,)
)
vs.) CASE NO. 1:06-CV-874-MHT
)
WESTPOINT HOME, INC.,)
)
Defendant.)

**WESTPOINT HOME INC.'S UNOPPOSED MOTION FOR LEAVE TO FILE
SUPPLEMENTAL EXHIBIT LIST**

Defendant WestPoint Home, Inc. hereby moves this Court for leave to file a supplemental exhibit list, which is attached hereto as Tab 1. As grounds therefore, WestPoint states as follows:

1. On September 12, 2007, WestPoint timely filed its exhibit list. (doc. no. 50.)
2. Subsequent to this filing, WestPoint learned that Exhibit 10, the December 2005 personnel notice issued to Plaintiff Claude Lee, is a two-page document, of which WestPoint only had and produced the first page.
3. The second page of this document was apparently affixed to the first page when the document was sent through the copy machine for production during discovery.
4. The second page of this document has been provided to Plaintiff's counsel.

5. The second page of the December 2005 personnel notice is listed as Exhibit 10A on the attached supplemental exhibit list.¹

6. Undersigned counsel represents that she has spoken with opposing counsel and is authorized to represent that Plaintiff does not oppose this motion.

WHEREFORE WestPoint moves this Court to grant it leave to file the attached supplemental exhibit list.

Respectfully submitted this 9th day of October, 2007.

/s/Kelly F. Pate

One of the Attorneys for Defendant WestPoint Home, Inc.

OF COUNSEL:

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¹ The first page of the December 2005 personnel notice is listed as Exhibit 10 on the original exhibit list (doc. no. 50) and is inadvertently labeled as bates stamped document Lee/WPH 0036. Exhibit 10, the first page of the December 2005 personnel notice should be labeled as bates stamped document Lee/WPH 0004 as it is on the attached supplemental list. Exhibit 23 on the original exhibit list should begin with bates stamped document Lee/WPH 0249 as noted on the supplemental list attached hereto.

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing and/or that a copy of the foregoing has been served upon the following by placing a copy of same in the United States mail, properly addressed and postage prepaid, on this 9th day of October, 2007:

Jay E. Tidwell, Esq.
Veal Cloud & Tidwell, LLC
2112 11th Avenue South, Suite 217
Birmingham, AL 35205

Stephen C. Wallace, Esq.
William M. Dawson, Esq.
Dawson & Wallace, LLC
2229 Morris Avenue
Birmingham, AL 35203

Richard E. Crum, Esq.
M. Russ Goodman, Esq.
Cobb, Shealy, Crum, Derrick & Pike, P.A.
206 North Lena Street
Dothan, AL 36303

/s/Kelly F. Pate
Of Counsel

TAB 1

**IN THE UNITED STATES DISTRICT COURT
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SOUTHERN DIVISION**

CLAUDE GENE LEE, SR.,)	
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Plaintiff,)	
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vs.)	CASE NO. 1:06-CV-874-MHT
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WESTPOINT HOME, INC.,)	
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Defendant.)	

**DEFENDANT WESTPOINT HOME, INC.'S
SUPPLEMENTAL DESIGNATION OF EXHIBITS**

Defendant WestPoint Home, Inc. ("WestPoint"), pursuant to the Court's Scheduling Order in this matter and Rule 26(a)(3) of the Federal Rules of Civil Procedure, designates the following exhibits:

No.	Description
1	DX 1 "What to Do if You Have a Complaint or Problem," Lee/WPH 0245
2	DX 2 A Guidebook for Salaried Associates, Lee/WPH 0246-0248
3	DX 3 Acknowledgement page for Guidebook for Salaried Associates, Lee/WPH 0011
4	DX 4 EEOC Anti-Harassment /Retaliation Policy, Lee/WPH 0326
5	DX 5 Guidebook for Salaried Associates Acknowledgment and Disclaimer, Lee/WPH 0012
6	DX 6 Complaints Policy, Lee/WPH 0336-0338
7	DX 7 Corrective Action Policy, Lee/WPH 0427-0428
8	DX 8 Complaint
9	DX 9 Affidavit of Claude Gene Lee and exhibits thereto
10	DX 10 December, 2005 Personnel Notice Lee/WPH 0004
10A	December, 2005 Personnel Notice Lee/WPH 0004A
11	DX 11 January, 2006 Salaried-Exempt Performance Review, Lee/WPH 0036-0040
12	DX 12 February, 2006 Personnel Notice, Lee/WPH 0005
13	DX 13 March 8, 2006 Corrective Action Report, Lee/WPH 0006
14	DX 14 March 11, 2006 Corrective Action Report, Lee/WPH 0007
15	DX 15 March 15, 2006 Personnel Notice, Lee/WPH 0009
16	DX 16 List of Choices, From Lee 0026
17	DX 17 Recap of events prepared by Claude Lee, Sr., From Lee 0001-0013
18	DX 18 July 7, 2006 Psychological Consultation, From Lee 0137-0138
19	DX 19 Declaration of Brendt Murphy and exhibits thereto

No.	Description
20	Declaration of Frank Major and exhibits thereto
21	Plaintiff's Personnel File, Lee/WPH 0001-0183
22	Plaintiff's Pay Records, Lee/WPH 0189-0244
23	Human Resources Policy Manual, Lee/WPH 0249-0559
24	February 15, 2006 Personnel Notice to Billy Wayne Bedsole, Lee/WPH 0565
25	February 16, 2006 Personnel Notice to Michael Ethridge, Lee/WPH 0566
26	January, 2006 Performance Review for Michael Ethridge, Lee/WPH 0567-0571, 0577-0581
27	January, 2006 Performance Review for Billy Wayne Bedsole, Lee/WPH 0572-0576, 0582-0586
28	January 4, 2006 Personnel Notice for Clara L. Thomas, Lee/WPH 0587
29	Abbeville Plant Organizational Charts, Lee/WPH 0560-0562
30	EEOC file
31	A Guidebook for Salaried Associates, Lee/WPH 0246A

WestPoint reserves the right (a) to supplement this list, (b) not to offer and/or to object to the use of all or any portion of the foregoing by any other party, (c) to offer as a separate exhibit any portion of or any summary of any of the foregoing, (d) to offer an enlargement of any of the foregoing, (e) to use any document identified in subsequent discovery, (f) to use any exhibit listed by any other party if WestPoint's objection thereto is waived or overruled, (g) to use any document marked as an exhibit during any deposition in this matter, (h) to use other documents for rebuttal and/or impeachment, (i) to use any documents which have been requested or produced during discovery in this case, regardless whether the same has been produced, (j) to use any document produced by any non-party, and (k) to use any document requested of any non-party, regardless whether the same has been produced.

Respectfully submitted this 9th day of October, 2007.

/s/Kelly F. Pate

One of the Attorneys for Defendant WestPoint Home, Inc.

OF COUNSEL:

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Of Counsel